

1 EDWARD R. REINES (SBN 135960)
2 edward.reines@weil.com
3 SONAL N. MEHTA (SBN 222086)
sonal.mehta@weil.com
4 BYRON C. BEEBE (SBN 235179)
byron.beebe@weil.com
5 ANANT N. PRADHAN (SBN 287227)
anant.pradhan@weil.com
WEIL, GOTSHAL & MANGES LLP
6 201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: 650-802-3000
7 Facsimile: 650-802-3100

8 Attorneys for Defendant
9 ADOBE SYSTEMS INCORPORATED

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 DIGITAL REG OF TEXAS, LLC,

Civil Case No. 12-CV-01971 CW (KAW)

14 Plaintiff,

**DECLARATION OF EDWARD R.
REINES IN SUPPORT OF ADOBE'S
MOTION FOR ATTORNEYS' FEES**

15 vs.

16 ADOBE SYSTEMS INCORPORATED, et al.,

JUDGE: Hon. Claudia Wilken
17 CTRM: 2, 4th floor
Defendants. HEARING: Feb. 12, 2015; 2:00 p.m.

18

19

20

21

22

23

24

25

26

27

28

1 I, Edward R. Reines, declare:

2 1. I am a partner with the law firm Weil, Gotshal & Manges LLP (“Weil”),
 3 counsel for Defendant Adobe Systems, Inc. (“Adobe”). I am admitted to practice law in the
 4 State of California and before the Court. I submit this declaration based on personal knowledge
 5 following a reasonable investigation. If called upon as a witness, I could competently testify to
 6 the truth of each statement herein.

7 2. The parties have met and conferred regarding the filing of this motion.

8 3. Adobe paid over \$3 million in attorneys’ fees reasonably necessary to
 9 conduct this litigation.¹

10 4. Adobe was represented throughout this matter by Weil. In addition, prior
 11 to trial Adobe was part of a joint defense group. The use of a joint defense group in this case
 12 significantly reduced the overall fees and costs incurred through most of this multi-year
 13 litigation, but required coordination with counsel for the various defendants. Fees billed to
 14 Weil’s billing number 11316.0007 were incurred and paid fully by Adobe. Fees billed to Weil’s
 15 billing number 11316.0008 were incurred and paid by Adobe and another joint defendant. Thus,
 16 all fees attributable to the .0008 billing number have been reduced by 50% to account for this
 17 apportionment. All fees identified in either billing number have already accounted for any
 18 reductions attributable to the joint defense group as a whole. Through my supervision of this
 19 matter, I ensured that work necessary to present a proper defense to Digital Reg’s claims was
 20 performed in a diligent and efficient manner.

21 5. As reflected in the below summaries, the following individuals at Weil
 22 billed time to this matter throughout the litigation, at the following billing rates (which, at times,
 23 reflect a discounted rate to Adobe). Billing records were kept in line with Weil’s customary
 24 practices in the form of entry into Weil’s electronic billing system, including time spent and a
 25 description of tasks incurred, and itemized statements were provided to Adobe on a monthly
 26 basis. Consistent with Local Rule 54-5(b)(2), Adobe is willing to produce billing statements for

27 1 A prior version of my declaration stated that Adobe was billed and/or paid \$4,753,288.62 in
 28 attorneys’ fees. I withdraw that number because it included costs and unadjusted fees amounts
 that should not be included.

1 in camera review if necessary.

2 6. I, Edward R. Reines served as the senior partner on this matter,
 3 responsible for overall case strategy and development as well as trial, claim construction, and
 4 general supervision. Since 2008, I have been recognized by *The Daily Journal* as one of the
 5 “Top Intellectual Property Litigators” in California. I appeared in *IP Law & Business*
 6 magazine’s 2008 inaugural ranking of the “Top 50 Under 45” US IP lawyers, and also have been
 7 recognized by *IP Law & Business* as one of the “Top 75 IP Litigators” nationally. Since 2005, I
 8 have been ranked in *Chambers USA* as a leading lawyer in the area of Intellectual Property:
 9 Patent. I am past President of the Federal Bar Association’s Northern District of California
 10 Chapter and Chair of the Patent Rules Committee for the Northern District of California. I am
 11 the past president of the Federal Circuit Bar Association and former Chair of the AIPLA Amicus
 12 Committee. I teach patent litigation at both Berkeley and Stanford Law Schools. My hourly
 13 billing rate to Adobe for this matter was \$967.50 throughout the litigation.

14 7. Sonal Mehta is the partner that handled day-to-day management of this
 15 matter. In addition, Ms. Mehta was responsible for damages issues and co-chaired the trial of
 16 this case. Ms. Mehta was named one of 50 “Fast Track” lawyers in California in 2012 by *The*
 17 *Recorder*. She was also named one of the *Silicon Valley/San Jose Business Journal*’s “40 under
 18 40” for 2012. Ms. Mehta was further recognized for patent litigation in California by *IAM*
 19 *Patent 1000* in 2013 and 2014. Ms. Mehta’s hourly billing rate to Adobe for this matter ranged
 20 from \$747 to \$774.

21 8. Adrian Percer is the partner that handled non-infringement and invalidity
 22 issues, including the analysis and development of Adobe’s positions, through discovery and trial.
 23 Mr. Percer has represented clients in a wide range of technical disciplines as part of the firm’s
 24 Intellectual Property counseling practice, including software, medical devices, storage devices,
 25 user interfaces, and Internet technologies such as search and advertising. Mr. Percer’s hourly
 26 billing rate to Adobe for this matter was \$747.

27 9. Timothy E. DeMasi is a mid-level partner who was responsible for
 28 assistance with discovery matters in this case. Mr. DeMasi’s hourly billing rate to Adobe for this

1 matter was \$877.50.

2 10. Byron Beebe is a senior associate who took over the lead associate role on
 3 this matter in November 2013. Mr. Beebe was responsible for assisting with expert reports,
 4 claim construction, and trial, along with other day-to-day requirements of this case. Mr. Beebe
 5 is a former law clerk to the Honorable Larry R. Hicks, District Judge for the District of Nevada,
 6 and to the Honorable Johnnie B. Rawlinson, of the Ninth Circuit Court of Appeals. Mr. Beebe
 7 had more than five years of experience in patent litigation when he joined this matter. His
 8 hourly billing rate to Adobe for this matter ranged from \$688.50 to \$738.

9 11. Anant Pradhan is a junior associate who joined the team as the case
 10 proceeded to trial. Mr. Pradhan was responsible for preparing trial materials, trial briefs,
 11 evidentiary objections, and any additional and necessary tasks during trial. Mr. Pradhan had
 12 nearly two years of experience in patent litigation when he joined this matter. His hourly billing
 13 rate to Adobe for this matter was \$499.50.

14 12. Joshua Davis was a mid-level associate responsible for this case during
 15 discovery and pre-trial phases. He assisted with and defended depositions in this matter and
 16 managed the discovery process. Mr. Davis had more than four years of experience in patent
 17 litigation when he joined this matter. His hourly billing rate to Adobe for this matter was \$666.

18 13. Nathan Greenblatt was a mid-level associate responsible for this case
 19 during the close of discovery and through portions of expert discovery. He assisted with
 20 deposition planning, document productions, and expert-related matters, including damages
 21 issues. Mr. Greenblatt had more than three years of experience in patent litigation when he
 22 joined this matter. His hourly billing rate to Adobe for this matter ranged from \$562.50 to
 23 \$634.50.

24 14. Andrew Hodel was a junior associate in the patent litigation group when
 25 he was a member of the case team. Mr. Hodel assisted with discovery issues. His hourly billing
 26 rate to Adobe for this matter was \$405.

27 15. In addition, the Weil attorney team for this case was assisted by the firm's
 28 litigation paralegals. The primary paralegal assigned to this matter through discovery, Johnna

1 Reynolds, had at least six years of experience. Ms. Reynolds' hourly billing rate to Adobe for
 2 this matter was \$270. The hourly rates for those assisting with the litigation on matters
 3 discussed below ranged from \$180 to \$301.5, depending on seniority and responsibility, as
 4 reflected in the following: Matthew Bonini (\$301.5); Colleen Sphar (\$252); Irina Khait
 5 (\$238.50); Carin Han (\$193.50); and Amir Kadri (\$180).

6 16. The rates set forth above reflect the standard, hourly rates that are
 7 generally charged to fee-paying clients of Weil. These rates are commensurate with the
 8 prevailing market rates charged by Weil's peer firms in California and nationwide for similar
 9 services. These fees and costs reflect the customary hourly rates for our legal services. Only
 10 fees related to relevant work actually performed for Adobe are included in this motion.

11 17. The following chart summarizes the fees incurred in defending against
 12 Digital Reg's assertion of the 741 patent. Adobe has narrowly tailored its request to recover fees
 13 that are directly related to defending against the 741 patent. This includes deductions when
 14 billing entries included work not related to the 741 patent and all necessary deductions for work
 15 billed to the .0008 billing number. In addition, this includes deductions relating to billing
 16 adjustments.² The total amount incurred equals \$103,864.35.

Name	Hours	Rate	Total
Edward Reines	14.1	\$967.5	\$13,641.75
Sonal Mehta	1.3	\$774	\$1,006.20
Adrian Percer	11.5	\$747	\$7866
Timothy DeMasi	26.3	\$877.5	\$23,078.25
Byron Beebe	12.6	\$738	\$9,298.80
Anant Pradhan	.5	\$499.5	\$174.63
Nathan Greenblatt	31.1	\$562.5	\$17,493.75
	39.8	\$634.5	\$21,352.50
Joshua Davis	6.3	\$666	\$3,776.22

28

² I withdraw the numbers in my prior declaration because they included unadjusted fees amounts
 that should not have been included.

1	Andrew Hodel	2.5	\$405	\$506.25
2	Johnna Reynolds	21	\$270	\$5,670

3 18. The following chart summarizes the fees incurred due to Digital Reg's
 4 improper damages opinions. Adobe has narrowly tailored its request to recover fees that are
 5 directly related to Digital Reg's improper expert reports. This includes deductions when billing
 6 entries included work not related to responding to Digital Reg's expert reports and all necessary
 7 deductions for work billed to the .0008 billing number. In addition, this includes deductions
 8 relating to billing adjustments.³ The total amount incurred equals \$33,605.55.

Name	Hours	Rate	Total
Edward Reines	2	\$967.50	\$1,352.95
Sonal Mehta	8.1	\$747	\$5,467.50
	14.9	\$774	\$10,166.40
Anant Pradhan	26.1	\$499.5	\$9,115.44
Nathan Greenblatt	10	\$634.5	\$5,062.50
Matthew Bonini	1.2	\$301.5	\$252.97
Colleen Sphar	7.5	\$252	\$1,687.50
Irina Khait	3	\$238.5	\$500.28

18 19. The following chart summarizes the fees incurred in relation to the
 19 changed testimony and additional discovery associated with Digital Reg's witnesses Patrick
 20 Patterson and Carl Venters. Adobe has narrowly tailored its request to recover fees that are
 21 directly related to the depositions and briefing related to these issues. This includes deductions
 22 when billing entries included work not related to the issues arising from Mr. Patterson's and Mr.
 23 Venters' improper testimony and all necessary deductions for work billed to the .0008 billing
 24 number. In addition, this includes deductions relating to billing adjustments. The total amount
 25 incurred equals \$45,838.43.

Name	Hours	Rate	Total

26 27 28 ³ I withdraw the numbers in my prior declaration because they included unadjusted fees amounts
 29 that should not have been included.

1	Edward Reines	39.4	\$967.5	\$20,119.75
2				(.0008 and other deductions)
3	Adrian Percer	0.7	\$747	\$261.45
4				(.0008 deduction)
5	Byron Beebe	28	\$738	\$14,448.27
6	Anant Pradhan	11	\$499.5	\$3,841.75
7	Nathan Greenblatt	19.5	\$634.5	\$5458.38
8				(.0008 and other deductions)
9	Matthew Bonini	1.2	\$301.5	\$252.97
10	Carin Han	7.6	\$193.5	\$1,028.24
11	Amir Kadri	5.1	\$180	\$401.62
12				(.0008 and other deductions)
13				
14				
15				

16 20. Adobe has incurred further fees in bringing this motion. Adobe will
 17 provide a summary of those fees once they have been properly billed.

18 21. Attached hereto as **Exhibit 1** is a true and correct copy of the excerpts
 19 from Patrick Patterson's deposition transcript dated April 25, 2013.

20 22. Attached hereto as **Exhibit 2** is a true and correct copy of the excerpts
 21 from Carl Venters' deposition transcript dated March 26, 2013.

22 23. Attached hereto as **Exhibit 3** is a true and correct copy of the excerpts
 23 from Carl Venters' deposition transcript dated September 1, 2014.

24 24. Attached hereto as **Exhibit 4** is a true and correct copy of the excerpts
 25 from Russell Parr's expert report dated October 30, 2013.

26 25. Attached hereto as **Exhibit 5** is a true and correct copy of Digital Reg's
 27 original Trial Exhibit 184, as first admitted into evidence.

1 I declare under penalty of perjury that the foregoing is true and correct.
2
3 Executed on January 19, 2015, at Redwood Shores, California.

4 By: /s/ Edward R. Reines
5 Edward R. Reines
6 edward.reines@weil.com
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28